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 10 Attorneys for Defendants  
 11 Lee's General Toys, Inc., and  
 12 John Lee

13  
 14 UNITED STATES DISTRICT COURT

15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 -----	17 Plaintiff,	18 ) 19 ) 20 LEE'S GENERAL TOYS, INC., a California 21 corporation, JOHN LEE, an individual; and ) 22 DOES 1-10, 23 Defendants.	24 ) 25 ) 26 ) 27 ) 28 )	29 CASE. NO. O7 CV 2391 30 (JAH POR) 31 DEFENDANTS OBJECTIONS 32 TO DECLARATION OF A. 33 TOWLE IN SUPPORT OF 34 MOTION FOR PRELIMINARY 35 INJUNCTION
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 37 Defendants Lee's General Toys, Inc. and John Lee respectfully object to the Declaration  
 38 of Andrew Towle in Support of Defendants' Motion for Preliminary Injunction on the  
 39 following grounds:  
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LAW OFFICES  
 KAZANJIAN & MARTINETTI  
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 GLENDALE, CALIFORNIA 91206

1 Nowhere in the declaration is there a showing that the supposed ads are directed toward the Southern California Latino market or have aired in Los Angeles where Defendants' products are largely sold at swap meets. Therefore, the declaration is overbroad, irrelevant, and lacks foundation.

2. Nowhere is there a breakdown of which markets the ads are directed to: Arizona, Texas, and other locations (besides California) that have a substantial number of Spanish speaking or Latino persons. Since a very small amount of money may be

3 The omissions actually support Defendants' position that Plaintiff is only recently  
trying to break into the Southern California Latino market.

4. Line 18 states that California is “home to the largest percentage of Spanish-speaking ANGEL SOFT bathroom tissue customers.” This statement by itself is meaningless since there may be two customers and both are in Northern California. Therefore, the statement lacks foundation.

Dated: March 12, 2008

KAZANJIAN & MARTINETTI  
RONALD MARTINETTI, ESQ.

By Ron Martinetti  
Ronald Martinetti  
Attorneys for Defendants

1 PROOF OF SERVICE BY MAIL - (1013a, 2015.5 C.C.P.)  
 2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the county of Los Angeles, State of California. I am over the age of  
 4 eighteen years and not a party to the within above-entitled action; my business address is 520 E.  
 5 Wilson Ave., Suite 250, Glendale, California 91206.

6 On March 13, 2008 I served the foregoing **DEFENDANTS OBJECTIONS TO**  
**7 DECLARATION OF A. TOWLE IN SUPPORT OF MOPTION FOR PRELIMINARY**  
**8 INJUNCTION** on all the interested parties in this action as follows:

9 Stephen P. Swinton, Esq.  
 10 Adam A. Welland, Esq.  
 11 Latham & Watkins LLP  
 12 12636 High Bluff Drive, Suite 400  
 13 San Diego, CA 92130-2071  
 14 Fax No.: (858) 523-5450

15  a true copy      an original

16 BY PERSONAL DELIVERY/VIA MESSENGER;

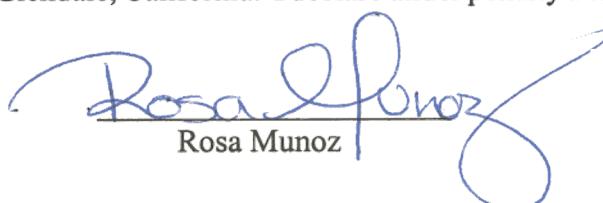
17  **BY ELECTRONIC FILING:** I am familiar with the United States District Court, Southern  
 18 District of California's practice for collecting and processing electronic filings. Under that practice,  
 19 documents are electronically filed with the court. The court's CM/ECF system will generate a  
 20 Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in  
 21 the case. The NEF will constitute service of the document. Registration as a CM/ECF user  
 22 constitutes consent to electronic service through the court's transmission facilities. Under said  
 23 practice the above mentioned parties were served.

24  **PREPAID POSTAGE:** I deposited such an envelope in the mail at Glendale, California. The  
 25 envelope was mailed with postage thereon fully prepaid.

26  **U. S. MAIL:** I am "readily familiar" with our firm's practice of collection and processing  
 27 correspondence for mailing. It is deposited with the U.S. Postal Service on that same day on the  
 28 ordinary course of business. I am aware that on motion of any party served, service is presumed  
 invalid if postal cancellation date or postage meter date is more than one day after the date of deposit  
 for mailing affidavit.

29  **BY FACSIMILE:** On the interested parties in this action pursuant to C.R.C. RULE 2009  
 30 (b). The telephone number of the facsimile machine I used was (818) 241-2193. This facsimile  
 31 machine complies with Rule 2003 (2) of the California Rules of Court. The transmission was  
 32 reported as complete and without error. The facsimile machine printed out a record indicating that  
 33 the transmission was successfully completed.

34 Executed on March 13, 2008, Glendale, California. I declare under penalty and perjury, that  
 35 the foregoing is true and correct.



Rosa Munoz